

RECEIVED  
CENTRAL FAX CENTER

MAR 28 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Paul Miller, Yiqun Bruce Wang, Chaunting You, Edward Parsonage
Application No.:	10/055743
Filed:	January 23, 2002
For:	MEDICAL DEVICES COMPRISING A MULTILAYER CONSTRUCTION
Group Art Unit:	3763

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-9964-US01

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION

The owner, Boston Scientific Scimed, Inc., formerly Scimed Life Systems, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/764,405, filed on January 23, 2004, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any

BEST AVAILABLE COPY

manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

March 28, 2005  
Date

  
Signature

Lisa R. Lindquist  
Typed or printed name

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.  
☒ PTO suggested wording for terminal disclaimer was  
☒ unchanged ☐ changed (if changed, an explanation should be supplied).

BEST AVAILABLE COPY